

In the Drawings:

The three attached drawing sheets show Figs. 1-6 and include the addition of the label "Prior Art" to each of Figures 1-6. These three sheets replace the previous drawing sheets showing Figs. 1-6.

Attachment: Replacement drawing sheet including Figs 1-2
Replacement drawing sheet including Fig. 3
Replacement drawing sheet including Fig. 4-6

Remarks

Favorable reconsideration of this application is requested in view of the following remarks. For the reasons set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The non-final Office Action dated May 31, 2005, indicated that claims 13-20, 33-40, 53-60 and 62 are withdrawn; the drawings are objected to; the specification is objected to for an informality; claims 1-2, 6, 21-22, 26, 41-42, 46 and 61 are rejected under 35 U.S.C. § 102(e) over applicant admitted related art fig. 3; claims 3-4, 8-9, 23-24, 28-29, 43-44 and 48-49 are rejected under 35 U.S.C. § 103(a) over applicant's admitted related art fig. 3; claims 5, 25 and 45 are rejected under 35 U.S.C. § 103(a) over applicant's admitted related art fig. 3 in view of Koehn *et al.* (U.S. Patent Publ. No. US2003/0117995); claims 7, 27 and 47 are rejected under 35 U.S.C. § 103(a) over applicant's admitted related art fig. 3 in view of Wiese *et al.* (U.S. Patent Publ. No. US2001/0028692); claims 10, 11, 30, 31, 50 and 51 are rejected under 35 U.S.C. § 103(a) over applicant's admitted related art fig. 3 in view of Reusens *et al.* (U.S. Patent Publ. No. US2002/0054610); claims 12, 32 and 52 are rejected under 35 U.S.C. § 103(a) over applicant's admitted related art fig. 3 in view of Carrender (U.S. Patent Publ. No. US2002/0149484).

With respect to the objection to the Specification, Applicant has amended the opening paragraph to include the provisional application number of the incorporated reference. Thus, Applicant submits that the objection is overcome and requests that it be removed.

With respect to Figs. 1-6, Applicant has amended each of the figures to include the label "prior art." Therefore, Applicant submits that the objection is overcome and requests that it be removed.

With respect to Fig. 7, while the suggestions are appreciated, Applicant respectfully traverses the objection because there is no requirement that the figures include word-for-word language from the claims, and because the correspondence between the relevant blocks of Fig. 7 and the claimed steps/limitations are adequately provided in Applicant's patent application. The Examiner suggests inserting method-type claim language into Fig. 7, which depicts an apparatus embodiment of the present invention. Accordingly, Applicant submits that the objection is improper and requests

that it be removed. However, should there be any remaining issues, Applicant would be open to consider the need for such changes.

Applicant respectfully traverses each of the rejections because the relied upon statutory basis is not applicable to the cited art. The Office Action rejects 1-2, 6, 21-22, 26, 41-42, 46 and 61 (including each of the pending independent claims) based upon 35 U.S.C. § 102(e), which applies to subject matter described in an application for patent, published under §122(b), by another filed in the United States or a patent granted on an application for patent by another. The cited reference in the Section 102(e) rejection is the instant application's Fig. 3. Applicant's Fig. 3 is not in an application for patent filed by another, nor is it in a patent granted on an application by another. Thus, Section 102(e) is not an appropriate basis of rejection when the Examiner relies on Applicant's Fig. 3. The Section 103(a) rejections are also improper to the extent that they correspond to the reliance on Fig. 3 in the Section 102(e) rejection. Applicant submits that the Office Action has not presented a proper rejection of the claims and requests that each of the rejections be withdrawn.

In addition to the above traversal, Applicant respectfully traverses each of the prior art rejections (Section 102 and Section 103) because the Office Action fails to present a reference or combination of references that corresponds to the claimed invention. More specifically, the Office Action fails to identify where the cited references teach creating a model of the line, signal and interference characteristics of the communication lines and processing signals using the model as claimed. In accordance with Applicant's discussion of Fig. 3 at page 4, lines 7-8, of the Specification, the asserted prior art is designed to accommodate the worst cases of crosstalk or other interference, irrespective of the actual conditions present in the system during operation. Accordingly, there appears to be no basis for alleging correspondence between the claimed invention and Fig. 3 under Section 102 or Section 103. Without a presentation of correspondence to each of the claimed limitations, the prior art rejections cannot be maintained and Applicant requests that they each be withdrawn.

Moreover, Applicant is confused as to the art relied upon for some of the Section 103(a) rejections. For the rejections of claims 3-5, 7-11, 23-25, 27-31, 43-45 and 47-51, the statement of rejection identifies Applicant's Fig. 3 whereas the first line of each of the

rejections identifies Applicant's Fig. 6. If Fig. 6 is relied upon, Applicant reasserts the arguments stated above in connection with the improper use of a Section 102(e) rejection when relying on Applicant figures. Applicant requests clarification and the opportunity to respond.

In view of the above discussion, Applicant believes that the rejection has been overcome and the application is in condition for allowance. A favorable response is requested. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is encouraged to contact the undersigned at (651) 686-6633.

Respectfully submitted,

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By: 

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